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December 17, 2002

DOCKET FILE COPY ORIGINAL

To Marlene H Donch  
Office of the Secretary  
Federal Communications Commission  
445-12<sup>th</sup> Street, SW  
Washington, DC 20554


Irene M Flannery  
Vice President – High Cost and Low Income Division  
Universal Service Administrative Company  
2120 L Street, NW, Suite 600  
Washington, DC 20037

Re CC Docket No **96-45**

This is to certify that Ellerbe Telephone Company, will use its Interstate Common Line Support and Long Term Support only for the provision, maintenance, and upgrading of facilities and service for which the support is intended

I am authorized to make this certification on behalf of the company name above. This certification is provided for all study areas under the common control of the company, and which are listed below and in attachment(s) as necessary

Signed,

  
Dan M. Bennett  
President

Date December 17, 2002

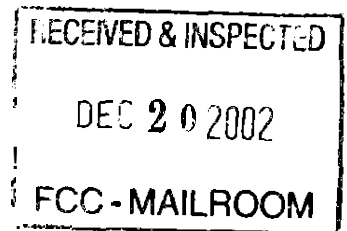
Ellerbe Telephone Company  
P.O. Box 220  
254 Second Street  
Ellerbe, NC 28338

Company Name	State	Study Area No.
Ellerbe Telephone Company	NC	230478

1

No. of Copies 1  
ELLERBE

**Beth Jacob High School**  
4421 15<sup>th</sup> Ave  
Brooklyn, NY 11219  
718-851-2319



## **Letter of Appeal**

December 17, 2002

Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW Room TW-A325  
Washington, DC 20554

RE: CC Docket Nos. 96-45 and 97-21

Entity# 11882  
471 Application #: 222224  
FRN Numbers: 560740, 561087, 561109, 561167, 561176,  
561190, 561438, 561456, 561487, 561502,  
561511, 561689, 561843, 561863, 564664,  
584741, and 584882  
Funding Year: 7/1/2001-6/30/2002

We are appealing the denial of an appeal that our school submitted to the Schools and Libraries Division of USAC. The appeal was in regard to a change in the discount level our school received for items and services applied for in our Funding Year 4, 7/1/2001-6/30/2002 E-Rate form 471 application number 222224.

On the form 471 we indicated that our school was eligible for a 90% discount based on greater than 75% of our students being eligible for the National School Lunch Program.

The impact of the change in discount was that we received a 60% discount instead of a 90% discount on telecommunication funding and we were totally denied all internal connection funding because, as indicated on the Funding Commitment Decision Letter, the funding cap did not provide for internal connections for schools with less than a 90% discount level.

When I first spoke to the reviewer I did not intend to imply that our determination of discount eligibility was based solely on a survey. The first time that there was a reference to a survey was in the PIA reviewer's fax to me asking for a copy of the survey that he understood I had told him we had done.

As indicated on our appeal our original determination was based on a combination of sources. Included among these sources was information annotated during tuition assistance interviews.

The PIA process was done at the time we were preparing to move to our new building and our records were in storage for the move. In order to provide the information PIA requested we would have had to take the records out of storage and review the scholarship information. This

process would have taken more time than we understood PIA was willing to wait. We therefore decided to do a current survey.

Regardless of the PIA reviewer's understanding of our verbal communications, we responded to his request for information substantiating our request for a 90% discount with a survey that clearly showed *our* school was eligible for the 90% discount we requested.

In regard to the SLD's indication that the survey **we used** was insufficient *to* determine discounts per program rules, the survey used was provided by Agudath Israel of America as part of an E-Rate Material package which was given Out at the E-Rate workshops, which they sponsored. SLD representatives gave these workshops.

The survey shows a chart of family size corresponding to family income and asked the respondents to indicate if their household income was equal to or less than the income indicated for their family size. Even if the respondent did not indicate the family size or income, answering the question determines if the family is above or below 185% of the federal poverty guideline.

In addition to the question of family size compared to income the survey included questions in regard to eligibility for:

- Food Stamps
- Medicaid
- Supplementary Income (SSI)
- Section 8
- Home Energy Assistance (LIHEAP)

We feel [he SLD denial of our appeal should be overturned for the following reasons:

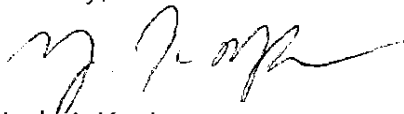
1- We provided an email correspondence from the coordinator of the New York State Department of Child Nutrition Management System indicating that the database, which the SLD used in determining our discount level, was not necessarily accurate for our school.

2- We responded to PIA's request for information substantiating our request for a 90% discount by providing the information from the survey performed. The survey information we provided was in a format that met program rules for determining discounts and demonstrated that our school qualifies for the 90% discount requested.

We therefore request that Funding Decision Commitment Letters be issued providing us with a 90% discount and approval of our internal connections FRN(s).

Based on the information presented herein we request that our appeal be granted and our discount percentage be changed to 90% and the denied FRN(s) be approved for funding.

Sincerely,



Yitzchok Kaplan  
Administrator

**Confidential E-Rate Family Survey - 2001-2002**

PLEASE PRINT

Family Name [REDACTED]  
 Address [REDACTED]  
 City, State, Zip N.Y. - BROOKLYN 11230  
 Signature of Parent/Guardian [REDACTED]  
 Date 1/28/02

**The following table shows the income levels used by the E-Rate program to determine discounts on technology services for our school.**

Household Size (Adults and Children)	Annual Income (As Reported to IRS)
1	\$ 15,892
2	<u>\$ 21,479</u>
3	\$ 27,066
4	\$ 32,663
5	\$ 38,240
6	\$ 43,827
<u>7</u>	\$ 49,414
8	\$ 55,001
9	\$ 60,588
10	\$ 66,175
11	\$ 71,762
12	\$ 77,349

Each additional family member + \$ 5,587

Is your annual household income equal or less than the amount shown for your family size? Yes ✓ No       

Is your family eligible for food stamps? Yes ✓ No       

Does your family qualify for medical assistance under Medicaid? Yes ✓ No       

Is your family receiving Supplementary Security Income (SSI)? Yes        No ✓

Does your family receive housing assistance (Section 8)? Yes ✓ No       

Does your family receive home energy assistance (LIHEAP)? Yes        No ✓

Please list the students in your family attending our school:

Name <u>[REDACTED]</u>	Grade <u>10</u>
Name <u>      </u>	Grade <u>      </u>
Name <u>      </u>	Grade <u>      </u>
Name <u>      </u>	Grade <u>      </u>
Name <u>      </u>	Grade <u>      </u>
Name <u>      </u>	Grade <u>      </u>

THIS INFORMATION IS CONFIDENTIAL AND WILL BE KEPT IN OUR SCHOOL.  
 THANK YOU FOR YOUR HELP.

# Confidential E-Rate Family Survey – 2001-2002

PLEASE PRINT

Family Name [REDACTED]  
 Address [REDACTED] STREET  
 City, State, Zip BROOKLYN NEW YORK 11218  
 Signature of Parent/Guardian [Signature]  
 Date 1/25/02

The following table shows the income levels used by the E-Rate program to determine discounts on technology services for our school.

Household Size (Adults and Children)	Annual Income (As Reported to IRS)
1	\$ 15,892
2	\$ 21,479
3	\$ 27,066
4	\$ 32,653
5	\$ 38,240
6	\$ 43,827
7	\$ 49,414
8	\$ 55,001
9	\$ 60,588
10	\$ 66,175
11	\$ 71,762
12	\$ 77,349

Each additional family member + \$ 5,537

Is your annual household income equal or less than the amount shown for your family size?

Yes ☒ No ☐

Is your family eligible for food stamps?

Yes ☒ No ☐

Does your family qualify for medical assistance under Medicaid?

Yes ☒ No ☐

Is your family receiving Supplementary Security Income (SSI)?

Yes ☐ No ☒

Does your family receive housing assistance (Section 8)?

Yes ☒ No ☐

Does your family receive home energy assistance (LIHEAP)?

Yes ☐ No ☒

Please list the students in your family attending our school:

Name	<u>[REDACTED]</u>	Grade	<u>27</u>
Name	<u>[REDACTED]</u>	Grade	<u>9</u>
Name		Grade	
Name		Grade	
Name		Grade	
Name		Grade	

THIS INFORMATION IS CONFIDENTIAL AND WILL BE KEPT IN OUR SCHOOL.  
 THANK YOU FOR YOUR HELP.



Box 125 – Correspondence Unit, 80 South Jefferson Road, Whippany, New Jersey 07981  
Visit us online at: <http://www.sl.universalservice.org>

which the data is not reflective of the overall school population. You note that due to this fact, you had to use NSLP enrollment and other measures of poverty (food stamps and Section 8) to determine the overall percentage for the school. During application review you were contacted by PIA. After the phone call you received a fax requesting information about the surveys that were done to determine discount percentage. Due to the fact that you used a combination of sources to determine discount, the information was not in a concise format and therefore you would not be able to respond in the timeframe requested. In order to comply with this request you performed a current survey and faxed the results to PIA review. **As** copy of this survey is included with the appeal. You **spoke** with PIA after the survey was received and there was no indication of a problem at that time. You state that the Funding Commitment Decision Letter did not specifically address how the decision to lower your discount was made. If this has been addressed in the appeal you have requested a new FCDL with a 90% discount. If the issues have not been addressed on appeal you have requested information on how this decision was made so that you can respond in **an** appropriate manner.

- Upon review of the appeal, it was determined that your requested discount of 90% varied from what was verified by the SLD database. In order to verify the requested discount you were contacted by PIA review. SLD records indicate that when contacted, you stated that surveys were used to determine discount percentage. This contact included a follow up fax that detailed what documentation was necessary to verify your discount. You responded with a fax stating that surveys were sent to all students and that the results verified the 90% discount that was requested. A copy of this survey was included. **As** the survey did not specify family size and income, it was deemed insufficient per program rules. This survey was dated 1/30/2002, which is 15 days after PIA's request for discount verification. You had failed to respond to PIA requests for clarification of why the survey date was after the request for documentation but have addressed this on ;appeal. You now state that a combination of sources was used to determine the discount and that in order *to* respond expeditiously you performed a current survey. However, this was not expressed to PIA. This also contradicts your fax to PIA review, which indicates that discount was determined solely by survey. You failed to notify PIA that the discount was determined by a current survey in your correspondence. Correspondence to FIA clearly indicates **that** surveys were used to determine discount level. The survey provided to PIA and on appeal does not verify family size and income level and has been deemed insufficient to determine discounts per program rules. You have acknowledged that a current survey was performed during PIA review. This indicates that the original surveys used to determine discount eligibility were not on file, which is a violation of program rules. You have argued that other sources were used to detennine poverty levels but have not provided this evidence on appeal. This contradicts information provided during review of the application. Consequently, the appeal is denied.

- You indicated on your Form 471 that your discount eligibility is 90 % based upon student surveys. FCC rules provide that the discount available to an applicant is determined by indicators of poverty and high cost. *See* 47 C.F.R. § 54.505(b). The level of poverty is measured by the percentage of students enrolled in a school or school district that are eligible for a free or reduced price lunch under the national school lunch program or a federally-approved alternative mechanism contained in Title I of the Improving America's Schools Act, codified at 34 C.F.R. § 200.28(a)(2)(I)(B). *See* 47 C.F.R. § 54.505(b)(1). Alternatively, the level of poverty is measured according to participation in Medicaid, food stamps, Supplementary Security Income (SSI), federal public housing assistance or Section 8, or Low Income Home Energy Assistance Program (LIHEAP). *See* Federal-State Joint Board on Universal Service, CC Docket No. 96-45, **Report and Order**, FCC 97-157 n.1334 ¶ 374 (rel. May 8, 1997). The high cost determination is made pursuant to rules according to which a school or library is classified as rural or urban. *See* 47 C.F.R. § 54.505(b)(3). An applicant's discount rate is determined by reference to a matrix based upon the level of poverty and whether a school is classified as rural or urban. *See* 47 C.F.R. § 54.505(c).
- SLD's review of your application determined that your discount eligibility percentage was not supported by appropriate documentation. SLD modified your discount eligibility percentage using the following documentation: **NY** State DOE website. You did not demonstrate in your appeal that the adjustment SLD made to your discount eligibility percentage was incorrect. Consequently, SLD denies your appeal.

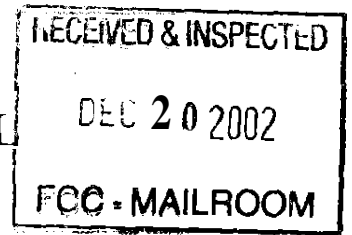
If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC) via United States Postal Service: FCC, Office of the Secretary, 445-12<sup>th</sup> Street SW, Washington, DC 20554. If you are submitting your appeal to the FCC by other than United States Postal Service, check the SLD web site for more information. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. **The FCC must RECEIVE your appeal WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER for your appeal to be filed in a timely fashion.** Further information and new options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site, [www.sl.universalservice.org](http://www.sl.universalservice.org).

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company



**BETH JACOB HIGH SCHOOL**  
4421 15<sup>th</sup> Ave  
Brooklyn NY 11219



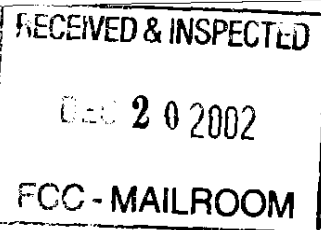
March 20, 2002

Contents of Appeal Package:

- 1- Letter of Appeal
- 2- Copy of *Survey* Information
- 3- Copy ~~of~~ E-mail from Rich Connell

# ***Beth Jacob High School***

442 1 15<sup>th</sup> avenue  
Brooklyn NY 11219  
718-851-23 19



March 20, 2002

Letter of Appeal  
Schools and Libraries Division  
Box 125-Con-espondence Unit  
80 South Jefferson Road  
Whippany, NJ 07981

## **Letter of Appeal**

Entity# 11882  
Application# 222224  
Funding Year 07/01/2001 - 06/30/2002

The following is an appeal of the funding commitment for Application # 222224 and all the FRN's contained within. The telecommunications portion of the application's funding was modified with the explanation that "The site-specific discount was corrected." The Internal Connections portion of the application's funding was denied with the explanation that "Funding cap will not provide for Internal Connections < 85% discount to be funded."

We are appealing the decision *to* lower our discount to 60% based on the fact that greater than seventy-five percent of our student body come from family units whose income is at or below 185% of the federal poverty guideline and are therefore eligible for the National School Lunch Program and our school therefore qualifies for a 90% discount.

The determination that our school qualified for a ninety percent discount was based on information from the NSLP application process and from information gathered during the tuition assistance application process.

**As** per the attached email from Mr. Rich Connell the coordinator for the New York State Department of Education Child Nutrition Management System, due to cultural and social reasons and using Mr. Connell's example of "fear of being stigmatized" it is not uncommon for high school students to decline participation in the NSLP. Our school, a Jewish Parochial Girls' High School, has all of these dynamics in affect simultaneously. We therefore have a very low participation level of potentially qualifying students in the NSLP.

Due to this fact, the percentage of eligible students shown for our school on the New York State Department of Education Child Nutrition Management System's web site, "Comparison of Free/Reduced Lunch Eligibles to Enrollment" is incorrectly low.

Also due to this fact we had to use both NSLP enrollment and other alternate measures of poverty such as food stamps and section eight to determine the over all percentages for our school

During the time our application was being reviewed I received a telephone call from a reviewer Mr. Frank Jones. After our conversation I received a fax from Mr. Jones asking me to provide information about the "surveys" I had done to determine our discount level.

Due to the fact that the information we used to determine our discount level was based on a combination of sources, the information was not in a concise format and we would not have been able to respond to Mr Jones within the time frame he was requesting. In order to comply with Mr. Jones's request as expeditiously as possible we performed a current survey and faxed the results to Mr. Jones

The format for the survey was taken from an E-Rate handbook distributed by Agudath Israel of America. We received the handbook at a workshop run by Win Himsworth the E-Rate coordinator for the New York State Department of Education. We subsequently faxed a copy of the survey to Mr. Himsworth for his review and he indicated the survey seemed to provide all the information needed.

Attached is a copy ~~of~~ the survey information that was faxed to the Mr. Frank Jones.


When we spoke with the Mr. Jones after he received the survey he indicated that everything seemed in order. We then received a call from another reviewer inquiring as to the date of the survey. After providing the second reviewer with the information requested she also indicated everything was in order.

There was no indication that anything was wrong with the survey or that additional or different information was needed.

The funding commitment decision letter did not specifically indicate what the decision to lower our discount was based on. If the information presented in this appeal has addressed the issue at hand please issue new funding commitment letters with the correct discount and funding for Internal Connections.

If this appeal has not addressed the issue at hand please provide us with the information on how the decision was reached so that we will be able to respond in an appropriate fashion.

Respectfully submitted by,

  
Yitzchok Kaplan  
Administrator

*Beth Jacob High School*

442 1 I 5<sup>th</sup> avenue  
Brooklyn NY 11219  
718-851-2319



January 30, 2002

Attn: Mr. Frank Yones  
Schools and Libraries Division

Re: E-Rate application number 222224

**Dear** Mr. Jones,

With regard to your request for documentation that our school is entitled to receive the 90% discount rate.

Our enrollment is seven hundred and **ninety** one students. We conducted a survey and sent out **forms** to the entire student body. Four hundred forty one forms were returned of which **Three** hundred **thirty** nine are from **low** income families that are eligible for **free** or reduced lunch.

All the returned forms are on file and all the numbers stated are actual **and** not a projection.

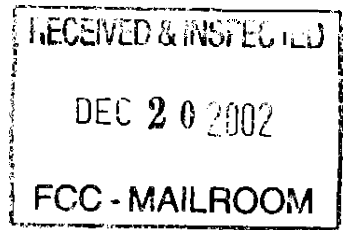
Sincerely,

A handwritten signature in black ink, appearing to read "Y. Kaplan".

Yitzchok Kaplan

***Beth Jacob High School***

4421 15<sup>th</sup> avenue  
Brooklyn NY 11219  
718-851-2319



7"03

Dear Parents:

We are **applying** for federal financial assistance to help obtain various **technology** services under a federally funded program known as E-Rate (for "Educational-Rate"). We need your **help** to maximize the aid **we** will receive.

The size of the federal **E-Rate grant** depends, in **part**, on the number of students attending our schools who come **from families** with income below certain levels. **Our** ability to identify all **such** students- whether **or** not they participate on our free and reduced **priced milk** or **lunch** programs- **will thus make** a significant difference in the federal **funding** we receive.

Please take a minute, therefore, to fill out and return the attached **form as soon as** possible. This information will remain confidential. The data will be reported as a group total, **not by individual families**.

Thank you for helping our **yeshiva** stretch its technology resources. **If you have any questions**, please call our office.

Please complete and return to:

**Beth Jacob High School**  
**4421 15<sup>th</sup> Ave.**  
Brooklyn, New York 11219

**Fax:** (718) 435-3736

**Confidential E-Rate Family Survey - 2001-2002**

**PLEASE PRINT**

Family Name [REDACTED]

Address [REDACTED]

City, State, Zip Brockton MA 01936

Signature of Parent/Guardian [Signature]

Date 1/20/02

The following table shows the income levels used by the E-Rate program to determine discounts on technology services for our school

Household Size (Adults and Children)	Annual Income (As Reported to IRS)
1	\$ 15,892
2	\$ 21,479
3	\$ 27,066
4	\$ 32,653
5	\$ 38,240
6	\$ 43,827
7	\$ 49,414
8	\$ 55,001
9	\$ 60,588
10	\$ 66,175
11	\$ 71,762
12	\$ 77,349

Each additional family member

+ \$ 5,587

Is your annual household income equal or less than the amount shown for your family size?

Yes \_\_\_\_\_ No LESS

Is your family eligible for food stamps?

Yes / No \_\_\_\_\_

Does your family qualify for medical assistance under Medicaid?

Yes / No \_\_\_\_\_

Is your family receiving Supplementary Security Income (SSI)?

Yes \_\_\_\_\_ No /

Does your family receive housing assistance (Section 8)?

Yes / No \_\_\_\_\_

Does your family receive home energy assistance (LIEAP)?

Yes \_\_\_\_\_ No \_\_\_\_\_

Please list the students in your family attending our school:

Name <u>[REDACTED]</u>	Grade <u>10</u>
Name _____	Grade _____
Name _____	Grade _____
Name _____	Grade _____
Name _____	Grade _____
Name _____	Grade _____

**THIS INFORMATION IS CONFIDENTIAL AND WILL BE KEPT IN OUR SCHOOL.  
THANK YOU FOR YOUR HELP.**

## Arthur Jacknis

---

**From:** Rich Connell [rconnell@MAIL.NYSED.GOV]  
**Sent:** Wednesday, March 20, 2002 3:32 PM  
**To:** ajacknis@gocomdata.com  
**Subject:** Re: Questions

Mr. Jacknis,

While CN free and reduced eligible data are often used as a poverty measure, there are certainly many cases in which the data are not reflective of the overall school population. For example, because of perceived stigma associated with receiving free lunches, it is not uncommon for many high school students to decline participation in the CN program. And certainly, there may be cultural or social reasons why parents decline to release income information. I am not familiar with the school you referenced, however, if CN program participation is influenced by the above factors, it **is** quite conceivable that the student population is more economically disadvantaged than CN data would indicate.

Richard Connell

Supervisor  
Child Nutrition Reimbursement Unit

>>> "Arthur Jacknis" <ajacknis@gocomdata.com> 03/19/02 07:37PM >>>  
Dear Mr. Connell,

As per our telephone conversation I have several questions in regard to the NSLP and the "Comparison of Free/Reduced Lunch Eligibles to Enrollment" figures listed on your website.

1- I understood from our conversation that due to sociological factors, a Jewish Parochial Girls' High School has one of the highest percentages of non-participating potentially qualifying students in the NSLP of all school types. Is this correct?

2- Due to the fact that many potentially qualifying students in this type of school do not apply for the NSLP the figures shown on the "Comparison of Free/Reduced Lunch Eligibles to Enrollment" listed on your website may be lower than actual percentage. Is this correct?

Thank you very much for taking the time to respond to these questions.

Arthur Jacknis